

## REMARKS

The last Office Action has been carefully considered.

It is noted that claims 1, 2 and 4-13 are rejected under 35 U.S.C. 103(a) over the patent to Fernandes in view of the patent to Gaukel.

Also, claims 1-13 are objected to.

In connection with the Examiner's formal objection to the claims, applicant canceled the original claims and submitted a new set of claims including claim 13, which is the first independent claim and claims 14-23 which depend on it and claim 24 which is a second independent claim and claims 25-32 which depend on it.

After carefully considering the Examiner's grounds of the rejection of the claims over the art, it is respectfully submitted that claims 13 and 24, the broadest independent claims, contain the features which are not disclosed in the references and can not be derived from their combination. It is true that the patent to Fernandes discloses a mobile system for monitoring corresponding parameters and conditions associated with or in proximity to an energized

electrical power conductor. However, this reference does not teach the other new features of the present invention.

The patent to Gaukel discloses an apparatus and method of monitoring the mobile objects or persons that utilize the Global Positioning System satellites and cellular telephone communications. However, it also does not include the other features of the present invention as now defined in claims 13 and 24.

As for the Examiner's rejection of the claims over the combination of the references, it is first of all respectfully submitted that the references can not be considered as combinable as a matter of obviousness. The references do not contain any hint or suggestions that they can be combined in a manner suggested by the Examiner.

Furthermore, the references do not teach the new features of the present invention as now defined in claim 13 and 24. In order to arrive at the applicant's invention from the teachings of the references, the references have to be fundamentally modified, and in particular by including into them the features which were first proposed by the applicant. However, it is known that in order to arrive at a claimed invention, by modifying the references the cited art must itself contain a suggestion for such modification.

this principle has also be consistently upheld by the U.S. Court of Customs and Patent Appeals, which for example, held in its decision in re Randol and Redford (165 USPQ 586) that

Prior patents are references only for what they clearly disclose or suggest, it is not a proper use of a patent as a reference to modify its structure to one which prior art references do not suggest.

In view of the above presented remarks and amendments it is believed that claims 13 and 24 should be considered as patentably distinguishing over the art and should be allowed.

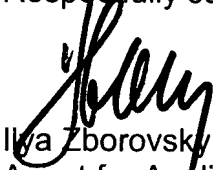
As for the dependent claims, these claims depend on the independent claims, they share their presumably allowable features, and therefore it is respectfully submitted that they should be allowed.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by


Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance; he is invited to telephone the undersigned (at 631-243-3818).

Respectfully submitted,

  
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Extension Request

Please extend the term by  
3 months and change to  
acc no. 26-0085

  
I. Zborovsky